

Message Text

CONFIDENTIAL

PAGE 01 SEOUL 07924 061228Z
ACTION EA-12

INFO OCT-01 ISO-00 SS-15 PM-05 INR-10 L-03 IO-13
SSO-00 INRE-00 /059 W
-----122448 061232Z /41
O 060936Z SEP 78
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC IMMEDIATE 3325

C O N F I D E N T I A L SEOUL 7924

STADIS//////////

E.O. 11652: GDS
TAGS: MPOL, PEPR, KS, US
SUBJECT: COMBINED FORCES COMMAND -- FOREIGN MINISTER RAISES FORMAL
IMPLEMENTATION

REF: (A) SEOUL 6967, (B) SEOUL 6500, (C) SEOUL 5892

1. SUMMARY: FOREIGN MINISTER DISCUSSED FORMAL IMPLEMENTATION
OF COMBINED FORCES COMMAND WITH AMBASSADOR. HE EXPLAINED
CONSTITUTIONAL DIFFICULTIES FACING ROKG AND PROPOSED SIMPLE
EXCHANGE OF NOTES REAFFIRMING PRESENT AGREEMENT AND CFC
IMPLEMENTATION THEREUNDER. AMBASSADOR POINTED OUT POSSIBLE
PROBLEM AND AGREED TO SEEK WASHINGTON VIEWS. END SUMMARY.

2. FORMIN CALLED ME IN SEPTEMBER 6 TO DISCUSS FORMAL
IMPLEMENTATION OF THE COMBINED FORCES COMMAND. HE SAID THAT
ROKG HAD NO PROBLEMS WITH CONTENT OF TERMS OF REFERENCE AGREED
ON AT SCM. THERE WERE, HOWEVER, TWO PROBLEM AREAS CURRENTLY
FACING THEM, ONE INTERNAL AND ONE BILATERAL.

3. INTERNAL PROBLEM RESULTED FROM FAILURE OF DEFENSE MINISTER
RO TO OBTAIN FORMAL PRESIDENTIAL APPROVAL OF TERMS OF
REFERENCE PRIOR TO SCM. MOFA NOW TAKING STEPS, AFTER
THE FACT, TO CORRECT THIS OVERSIGHT. IT WAS PREPARING
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SEOUL 07924 061228Z

BRIEFING PAPER FOR SUBMISSION TO CABINET AND FOR
SUBSEQUENT PRESIDENTIAL APPROVAL. WHILE THIS PROCEDURE
SLIGHTLY IRREGULAR, FORMIN BELIEVED IT WOULD SOLVE
QUESTION OF MND NEGOTIATING AUTHORITY.

4. BILATERAL PROBLEM RESULTED FROM ARTICLE 51 OF ROK
CONSTITUTION WHICH GIVES SUPREME COMMAND OVER ROK FORCES

TO PRESIDENT. IN VIEW OF THIS PROVISION THE ROKG HAD CONCLUDED THERE SHOULD BE SOME OFFICIAL EXCHANGE BETWEEN US TO INTERPRET THE CFC CHANGES IN COMMAND STRUCTURE AS COMING WITHIN TERMS OF US-ROK MINUTE OF 1951.

5. FORMIN STRESSED AGAIN THAT CONTENT OF TERMS OF REFERENCE TOTALLY ACCEPTABLE. HE SAID ROKG DID NOT WISH TO CAUSE DIFFICULTIES FOR U.S. HE THEREFORE PROPOSED EXCHANGE OF NOTES (TEXT FOLLOWS) WHICH WOULD CONFIRM THAT CFC FELL WITHIN PURVIEW OF EXISTING AGREED MINUTE BETWEEN U.S. AND ROK. FORMIN SAID THAT EARLIER AGREEMENTS HAD NOT BEEN SUBMITTED TO NATIONAL ASSEMBLY AND THERE WAS NO PLAN TO SUBMIT CFC TO THAT BODY. IN RESPONSE TO MY QUESTION, HE SAID THAT ROKG WOULD CONFIRM TO NATIONAL ASSEMBLY THAT CFC TERMS OF REFERENCE WERE WITHIN FRAMEWORK OF AGREED MINUTE IF QUESTIONED ON THIS POINT. FORMIN RECOMMENDED THAT NOTES BE EXCHANGED BETWEEN US IN SEOUL.

6. I TOLD FORMIN I WAS AWARE THAT THIS GENERAL ISSUE HAD BEEN RAISED EARLIER AND THAT WE HAD REQUESTED WASHINGTON VIEWS. I AGREED TO AMEND MY EARLIER REQUEST TO INCLUDE WASHINGTON REACTION TO HIS PROPOSED NOTE EXCHANGE. I EXPRESSED PRELIMINARY OPINION THAT EXCHANGE MIGHT COMPLICATE OUR CONSIDERATION OF THIS MATTER WITH REGARD TO BOTH REQUIREMENTS OF U.S. LAW AND WITH RESPECT CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SEOUL 07924 061228Z

TO PRECEDENT POSSIBLY AFFECTING OTHER SECURITY ARRANGEMENTS, E.G., NATO. AN EXCHANGE OF NOTES MIGHT ALSO OCCASION DEBATE IN THE U.S., ALTHOUGH I FORESAW NO REAL OPPOSITION IN CONGRESS WHICH HAD BEEN BRIEFED ON THE CFC. FORMIN REITERATED THAT THE ROKG DID NOT WISH TO CAUSE PROBLEMS TO THE U.S. AND THEREFORE WAS PROPOSING A NOTE EXCHANGE WHICH ONLY CONFIRMED PRIOR AGREEMENTS.

7. COMMENT: MOFA HAS SUBSTANTIALLY MODIFIED ITS POSITION FROM EARLIER PRESENTATION (REFTELS). WHILE WE ARE UNABLE TO ASSESS THE LEGAL QUESTIONS AND THE PROBLEM OF PRECEDENT, IT APPEARS THAT MOFA HAS WORKED HARD TO DEVELOP A FORMAL EXCHANGE WHICH AT THE SAME TIME DOES NOT CONSTITUTE ANY NEW AGREEMENT. WOULD APPRECIATE WASHINGTON VIEWS AS SOON AS POSSIBLE.

8. FOLLOWING IS TEXT OF NOTES PROPOSED BY FORMIN:

(A) KOREAN PROPOSING NOTE:

BEGIN QUOTE:

EXCELLENCY:

I HAVE THE HONOUR TO REFER TO THE TERMS OF REFERENCE FOR THE MILITARY COMMITTEE AND ROK/US COMBINED FORCES COMMAND AGREED UPON BETWEEN THE MINISTER OF NATIONAL DEFENSE OF THE REPUBLIC OF KOREA AND THE SECRETARY OF DEFENSE OF THE UNITED STATES OF AMERICA AT THE 11TH ROK/US ANNUAL SECURITY CONSULTATIVE MEETING HELD IN SAN DIEGO, CALIFORNIA, ON 26-27 JULY 1978.

I HAVE FURTHER THE HONOUR TO INFORM THAT IT IS THE UNDERSTANDING OF THE GOVERNMENT OF THE REPUBLIC OF KOREA THAT THE SAID TERMS OF REFERENCE IS AN ARRANGEMENT DULY MADE WITHIN THE FRAMEWORK OF THE MUTUAL DEFENSE TREATY
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 SEOUL 07924 061228Z

BETWEEN THE REPUBLIC OF KOREA AND THE UNITED STATES OF AMERICA SIGNED IN 1953 AND PARAGRAPH 2 OF THE KOREAN UNDERTAKINGS AS SET FORTH IN THE AGREED MINUTES BETWEEN THE GOVERNMENTS OF THE REPUBLIC OF KOREA AND THE UNITED STATES OF AMERICA RELATING TO CONTINUED COOPERATION IN ECONOMIC AND MILITARY MATTERS SIGNED IN 1954 AS AMENDED IN 1955 AND 1962, RESPECTIVELY, AND THAT THE SAID ARRANGEMENT WILL REMAIN IN FORCE WHILE THE COMMANDER-IN-CHIEF, ROK/US COMBINED FORCES COMMAND IS A U.S. FOUR-STAR GENERAL WHO ALSO SERVES AS COMMANDER-IN-CHIEF, UNITED NATIONS COMMAND, COMMANDER, UNITED STATES FORCES KOREA AND THE GROUND COMPONENT COMMANDER.

I SHOULD BE GRATEFUL IF YOUR EXCELLENCY WOULD CONFIRM ON BEHALF OF YOUR GOVERNMENT THAT THE AFOREMENTIONED IS ALSO THE UNDERSTANDING OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY HIGHEST CONSIDERATION.

(TO BE SIGNED BY MINISTER OF FOREIGN AFFAIRS)

END QUOTE.

(B) U.S. NOTE IN REPLY:

BEGIN QUOTE:

EXCELLENCY:

I HAVE THE HONOUR TO ACKNOWLEDGE THE RECEIPT OF YOUR EXCELLENCY'S NOTE OF (DATE) (MONTH) (YEAR), WHICH READS AS FOLLOWS:

CONFIDENTIAL

CONFIDENTIAL

PAGE 05 SEOUL 07924 061228Z

"(KOREAN PROPOSING NOTE)"

I AHVE FURTHER THE HONOUR TO CONFIRM ON BEHALF OF
MY GOVERNMENT THAT THE FOREGOING IS ALSO THE UNDERSTANDING
OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY
HIGHEST CONSIDERATION.

(TO BE SIGNED BY AMBASSADOR OF THE UNITED STATES)

END QUOTE.
GLEYSTEN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY PERSONNEL, MILITARY PLANS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 sep 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978SEOUL07924
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780362-0955
Format: TEL
From: SEOUL
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780998/aaaadctr.tel
Line Count: 188
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 1073fa56-c288-dd11-92da-001cc4696bcc
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: STADIS
Reference: 78 SEOUL 6967, 78 SEOUL 6500, 78 SEOUL 5892
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 24 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1530343
Secure: OPEN
Status: NATIVE
Subject: COMBINED FORCES COMMAND -- FOREIGN MINISTER RAISES FORMAL IMPLEMENTATION
TAGS: MPOL, PEPR, KS, US
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/1073fa56-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014